

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

2000 AUG 32 A 9:03

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CLERK'S OFFICE  
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BY \_\_\_\_\_ DEPUTY

August 31, 2000

MEMO TO COUNSEL RE: William Cooper v. Smith & Nephew, Inc.  
Civil No. JFM-97-2578

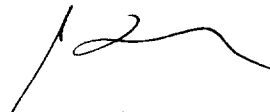
Dear Counsel:

I have reviewed the papers submitted in connection with plaintiff's motion for reconsideration of the August 3, 2000 order denying permission to file sur-reply memorandum and striking the deposition of James Murphy. Plaintiff's motion will be granted and the revised sur-reply will be accepted.

Plaintiff does not request reconsideration of the exclusion of the improper deposition and has edited its sur-reply in a manner consistent with the August 3 order. As defendant's primary objective in opposing the original sur-reply was the exclusion of the improper deposition, it will suffer no prejudice from the consideration of appropriate portions of the revised sur-reply. Accordingly, I will consider the revised sur-reply only to the extent that it sets out legal arguments in response to legal issues raised for the first time in plaintiff's reply brief. I will continue to disregard any argument even slightly dependent on the improper deposition testimony.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,



J. Frederick Motz  
United States District Judge

cc: Court File

cc 9/1/00 me

